

## United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/882,596 06/15/2001		Ursula Murschall	00/149-2 MFE 8301		
7590 04/13/2004			EXAMINER		
PROPAT LLC			SZEKELY, PETER A		
2912 CROSBY ROAD CHARLOTTE, NC 28211			ART UNIT PAPER NUMBI		
			1714		

DATE MAILED: 04/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner			<del></del>						
Examiner Peter Szekely 1714  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extension of time may be available under the processors of 37 CPR 1.136(a). In no event, incovere, may a reply be limely filed  If the period for reply specified above, the necessary and the stability printing and thing (30) days will be considered timely.  If the Defined for reply specified above, the necessary and the stability printing the stability printing from the tradition of the stability printing the stability printing the first of the period of the period of the period of the period of the stability printing the stability printing of the time the tradition and the stability printing the stability printing of the period of this communication, which is the thing the stability printing to the printing date of this communication, which is the stability of the stability of the period of the period of the stability of the stability of the period of the stability of the stability of the period of the stability of th			Applicat	ion No.	Applicant(s)				
Peter Szekely 1714  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION 1736(a). In no event, hovever, may a reply be timely filed - safe 32% (b) MONTHS from the mising date of this communication.  If the period for may's specified above is less than thirty (00) days, a reply within the schildrary minimum of thirty (30) days will be considered timely.  If the period for may's specified above is less than thirty (00) days, a reply will be considered timely.  If the period for may's specified above is less than thirty (00) days, a reply will be considered timely.  If the period for may's specified above is less than thirty (00) days, and will age so (1) MONTHS from the mailing date of this communication.  If the period for may's specified above is less than thirty (00) days, and the period of the communication.  If the period for may's specified above is less than thirty (00) days, and the second of the communication.  Any reply received by the Office librar than three months after the mailing date of this communication, even if timely filed, may reduce any seamed patient to mailing date of this communication.  Any reply received by the Office librar than three months after the mailing date of this communication.  Status  1) Responsive to communication(s) filed on <u>04 March 2004.</u> 2a) This action is FINAL.  2b) This action is non-final.  3) Is called the process of the mailing date of this communication.  Claim(s) 1.3-6.2 and 8-2.6 is/are pending in the application.  4a) Of the above claim(s) is/are active the process of the p			09/882,5	MURSCHALL ET AL.					
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Edemised from many be available under the provisions of 3 CFR 1.136(a). In one event, however, many a teply be timely filed after 50x (6) MONTHS from the mailing date of this communication.  Fallulation from the provision of the communication of 3 CFR 1.136(a). In one event, however, many a teply be timely filed after 50x (6) MONTHS from the mailing date of this communication.  Fallulate to reply whith the set or extended period for reply will, by stability reported will apply will will be considered from the provision.  Fallulate to reply whith the set or extended period for reply will, by stability replaced will apply will will be communication.  Fallulate to reply whith the set or extended period for reply will, by stability replaced will apply will will be communication.  Fallulate to reply whith the set or extended period for reply will, by stability replaced will apply will will be communication.  Fallulate to reply whith the set or extended period for reply will, by stability replaced will apply will will be communication.  Fallulate to reply whith the set or extended period for reply will, by stability replaced will apply will will be communication.  Fallulate to reply within the set or extended period for replaced to this communication, went if timely filed, many reduced any set of the		Office Action Summary	Examine	er	Art Unit				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  □ Enteraction of them have be available under the promisions of 37 CPR 1.13(a). In no event, however, may a reply be finally filled Enteraction of them have be available under the promisions of 37 CPR 1.13(a). In no event, however, may a reply be finally filled Enteraction of 19 CPR 1.13(a). In no event, however, may a reply be finally filled Enteraction of 19 CPR 1.13(a). In no event, however, may a reply be finally filled to reply a pecified above, the maching and the statulary printing the statulary interminant of thirty (30) days will be accorded to the communication. If this period for reply is pecified above, the maching advants of the specified by the statular communication, over if firmly filled, may reduce any statular and patient term adjustment. See 37 CPR 1.704(b).  Status  1) □ Responsive to communication(s) filled on 04 March 2004.  2a) □ This action is FINAL. 2b) □ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s) fi.3-6 and 8-26 is/are pending in the application.  4a) Of the above claim(s) is/are ending in the application.  4a) Claim(s) fi.3-6.9 at 17-23.25 and 26 is/are rejected.  7) □ Claim(s) fi.3-6.9 at 17-23.25 and 26 is/are rejected.  7) □ Claim(s) fi.3-6.9 at 17-23.25 and 26 is/are rejected.  7) □ Claim(s) fi.3-6.9 at 17-23.25 and 26 is/are rejected.  7) □ The drawing(s) filled on is/are: a) □ accepted or b) □ objected to by the Examiner.  Application Papers  9) □ The specification is objected to by the Examiner.  10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.  Application Papers  9) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.  Application Papers  11 □			Peter Sz	zekely	1714				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  1 the MAILING DATE OF THIS COMMUNICATION.  1 the period for reply sepecified above is less than thisy (30) days, a reply within the statutery minimum of thisy (30) days will be considered timely.  1 th operiod for reply sepecified above is fine site (30) days, a reply within the statutery minimum of thisy (30) days will be considered timely.  1 this period for reply sepecified above is fine site (30) days, a reply within the statutery minimum of thisy (30) days will be considered timely.  1 this period for reply sepecified above, the maximum statutory priod will be passly and will series (56) (60) MONTH for the mailing date of this communication, even it invely (60, may rection any section and patent form adjustment. Son 37 CPR 1,704(b)).  Status  1) Responsive to communication(s) filled on 64 March 2004.  2a) This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1.3-6 and 8-26 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  5) Claim(s) 1.3-6.8, 9.11-23.25 and 26 is/are rejected.  7) Claim(s) 1.3-6.8, 9.11-23.25 and 26 is/are rejected.  7) Claim(s) 1.3-6.8, 9.11-23.25 and 26 is/are rejected.  7) The specification is objected to by the Examiner.  10) The proving of the proving of the proving of the drawing(s) be held in abeyance. See 37 CFR 1.85(a), Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * O None of the p			nication appears on th	e cover sheet with the	correspondence addre	SS			
2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1,3-6 and 8-26 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) is/are allowed.  6)  Claim(s) 1,3-6.8,9.11-23,25 and 26 is/are rejected.  7)  Claim(s) is/are objected to.  8)  Claim(s) is/are objected to.  8)  Claim(s) is/are objected to by the Examiner.  10)  The specification is objected to by the Examiner.  4pplication Papers  9)  The specification is objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * c) None of:  1.  Certified copies of the priority documents have been received in Application No.  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1)  Notice of References Cited (PTO-892)  1)  Notice of Partsperson's Patent Drawing Review (PTO-948)  3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5)  Notice of Informal Patent Application (PTO-152)	A SH THE - Exte after - If the - If NC - Failu Any earn	ORTENED STATUTORY PERIOD F MAILING DATE OF THIS COMMUN nsions of time may be available under the provision: SIX (6) MONTHS from the mailing date of this com period for reply specified above is less than thirty (i) period for reply is specified above, the maximum s pre to reply within the set or extended period for reply reply received by the Office later than three months	IICATION. s of 37 CFR 1.136(a). In no e munication. 30) days, a reply within the sta tatutory period will apply and by will. by statute, cause the ap	vent, however, may a reply be ti autory minimum of thirty (30) da will expire SIX (6) MONTHS fron plication to become ABANDONE	mely filed ys will be considered timely. n the mailing date of this comm ED (35 U.S.C. § 133).	unication.			
2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1,3-6 and 8-26 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) is/are allowed.  6)  Claim(s) 1,3-6.8,9.11-23,25 and 26 is/are rejected.  7)  Claim(s) is/are objected to.  8)  Claim(s) is/are objected to.  8)  Claim(s) is/are objected to by the Examiner.  10)  The specification is objected to by the Examiner.  4pplication Papers  9)  The specification is objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * c) None of:  1.  Certified copies of the priority documents have been received in Application No.  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1)  Notice of References Cited (PTO-892)  1)  Notice of Partsperson's Patent Drawing Review (PTO-948)  3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5)  Notice of Informal Patent Application (PTO-152)	1) 又	Responsive to communication(s) fil	ed on <i>04 March 200</i> 4	<b>!</b> .					
3)  Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s) 1,3-6 and 8-26 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5)  Claim(s) is/are allowed. 6)  Claim(s) 1,3-6.8,9,11-23,25 and 26 is/are rejected. 7)  Claim(s) 1,3-6.8,9,11-23,25 and 26 is/are rejected. 7)  Claim(s) are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner. 10)  The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some coll None of:	•	•				ļ			
4)  Claim(s) 1,3-6 and 8-26 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5)  Claim(s) is/are allowed.  6)  Claim(s) 1,3-6,8-9,11-23,25 and 26 is/are rejected.  7)  Claim(s) 16-8,9-11-23,25 and 26 is/are rejected.  7)  Claim(s) 16-8,9-11-23,25 and 26 is/are rejected.  8)  Claim(s) 16-8,9-11-23,25 and 26 is/are rejected.  8)  Claim(s) 16-8,9-11-23,25 and 26 is/are rejected.  8)  Claim(s) 16-8,9-11-23,25 and 26 is/are rejected.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on is/are: a)  accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * c)  None of:  1.  Certified copies of the priority documents have been received.  2.  Certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1)  Notice of Patersperson's Patent Drawing Review (PTO-948)  3)    Information Disclosure Statement(s) (PTO-1449 or PTO/58/08)		Since this application is in condition for allowance except for formal matters, prosecution as to the merits is							
4a) Of the above claim(s) is/are withdrawn from consideration.  5) □ Claim(s) is/are allowed. 6) ☒ Claim(s) 1,3-6,8.9.11-23,25 and 26 is/are rejected.  7) ☒ Claim(s) 10 and 24 is/are objected to. 8) □ Claim(s) are subject to restriction and/or election requirement.  Application Papers  9) □ The specification is objected to by the Examiner.  10) □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) □ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☒ All b) □ Some * c) □ None of:  1. ☒ Certified copies of the priority documents have been received.  2. □ Certified copies of the priority documents have been received in Application No  3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☒ Notice of Partsperson's Patent Drawing Review (PTO-948)  3) □ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Notice of Informal Patent Application (PTO-152)	Disposit	ion of Claims							
9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	5)□ 6)⊠ 7)⊠	4a) Of the above claim(s) is/a Claim(s) is/are allowed. Claim(s) <u>1,3-6,8,9,11-23,25 and 26</u> Claim(s) <u>10 and 24</u> is/are objected	are withdrawn from considering is/are rejected.	onsideration.					
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☒ All b) ☐ Some * c) ☐ None of:  1. ☒ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) ☒ Notice of References Cited (PTO-892)  2) ☐ Notice of Oraftsperson's Patent Drawing Review (PTO-948)  3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  5) ☐ Notice of Informal Patent Application (PTO-152)	Applicati	ion Papers							
Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	10)	The drawing(s) filed on is/are Applicant may not request that any obje Replacement drawing sheet(s) including	: a) ☐ accepted or bection to the drawing(s) g the correction is requi	be held in abeyance. Se ired if the drawing(s) is ob	e 37 CFR 1.85(a). ojected to. See 37 CFR				
12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * c) None of:  1.  Certified copies of the priority documents have been received.  2.  Certified copies of the priority documents have been received in Application No  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1)  Notice of References Cited (PTO-892)  2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	•	·	·						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date. 5) Notice of Informal Patent Application (PTO-152)	<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> </ul>								
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date  Notice of Informal Patent Application (PTO-152)	Attachmen	t(s)							
· · · · · · · · · · · · · · · · · · ·	1) 🔀 Notic 2) 🔲 Notic 3) 🔲 Inform	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (I		Paper No(s)/Mail D	ate	(2)			

Page 2

Application/Control Number: 09/882,596

Art Unit: 1714

## **DETAILED ACTION**

## Claim Rejections - 35 USC § 112

- 1. Claims 8 and 28 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no mention of Daltons or organic phosphates in the specification.
- 2. Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is not known whether the claimed molecular weight is weight average, number average, viscosity average, peak average or Z average molecular weight. One of ordinary skill in the art would not know which polymeric carbodiimide to select.

## Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

Application/Control Number: 09/882,596

Art Unit: 1714

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

- 5. Claims 1, 3-6, 8, 9, 11-23, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter et al. 5,763,538, in view of Heitz et al. 5,733,959, Schultze et al. 6,001,464 or Imashiro et al. 6,126,860, further in view of Murakami et al. 4,264,667, Yatsu et al. 4,390,683, Matsamura et al. 4,517,315, Brozek et al. 5,138,024, Murschall et al. 5,302,427, Anderson II 5,324,467, Bland et al. 5,427,842, Sommer et al. 5,457,018, Peiffer et al. 5,468,527, Schumann et al. 5,554,245, Dries et al. 5,529,843, Mortlock et al. 5,562,984, Rogers et al. 5,804,626, Carlson et al. 5,867,316, DiNicola et al. 6,128,023, Wakabayashi et al. 6,335,336, Tojo et al. 6,503,599 or Nissinbo Industries EP 0 803 538.
- 6. Hunter et al. disclose biaxial orientation and annealing in column 4, lines 29-38, PET blended with carbodiimide, which can be Stabaxol P, I and P1000 in the paragraph overlapping columns 4 and 5, stretching in two directions and heat setting in Example 15, carbodiimide concentrations in claims 1 and 6 and PET in claim 2. Although carbodiimide is an optional ingredient, it is positively disclosed in the Examples. The blended composition of Hunter et al. can contain conventional additives for stabilizing the composition against oxidative, thermal and UV light degradation (column 3, lines

Application/Control Number: 09/882,596

Art Unit: 1714

- 3-9). Heitz et al. teach polyester and oligomeric carbodiimide with its concentration in claim 1, hindered phenols in column 12, line 65, PET and PBT in column 3, lines27-31 and UV stabilizers in column 13, lines 3-6. Schultze et al. recite polyester film in claim 1, carbodiimides, hindered phenols and UV absorbers in column 4, lines 30-44. Imashiro et al. reveal PET and PBT in column 1, lines 25-30, oxazolines and aromatic carbodiimides in column 1, lines 50-59 and films and carbodiimide concentrations in Examples 4, 7 and 8. All of the tertiary references have been discussed previously. They cover all of the other claimed components and processes claimed by applicants, which are all are customary and well known to one of ordinary skilled in the art, at the time the invention was made, as proven by said references. Since Hunter et al. state that additional stabilizers are conventional additives; their incorporation into applicants' composition is patently obvious.
- 7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Szekely whose telephone number is (571) 272-1124. The examiner can normally be reached on 7:00 a.m.-5:30 p.m. Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 09/882,596

Art Unit: 1714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter Szekely Primary Examiner Art Unit 1714

P.S. 4/8/04